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8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2021-079604

13 **SALLY SUN, M.D.**  
14 **799 Arcadia Avenue, Unit B**  
**Arcadia, CA 91007**

**A C C U S A T I O N**

15 **Physician's and Surgeon's Certificate**  
16 **No. A 31180,**

Respondent.

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18  
19 **PARTIES**

20 1. Reji Varghese (Complainant) brings this Accusation solely in his official capacity as  
21 the Interim Executive Director of the Medical Board of California, Department of Consumer  
22 Affairs (Board).

23 2. On or about June 13, 1977, the Medical Board issued Physician's and Surgeon's  
24 Certificate Number A 31180 to Sally Sun, M.D. (Respondent). The Physician's and Surgeon's  
25 Certificate was in full force and effect at all times relevant to the charges brought herein and  
26 expired on October 31, 2022.

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## JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 118 of the Code states:

(a) The withdrawal of an application for a license after it has been filed with a board in the department shall not, unless the board has consented in writing to such withdrawal, deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.

(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

(c) As used in this section, "board" includes an individual who is authorized by any provision of this code to issue, suspend, or revoke a license, and "license" includes "certificate," "registration," and "permit."

5. Section 2227 of the Code states:

(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

(1) Have his or her license revoked upon order of the board.

(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations,

continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.

### **STATUTORY PROVISIONS**

6. Section 820 of the Code states:

Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.

7. Section 822 of the Code states:

If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

(a) Revoking the licentiate's certificate or license.

(b) Suspending the licentiate's right to practice.

(c) Placing the licentiate on probation.

(d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

The licensing section shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated.

8. Section 824 of the Code states:

The licensing agency may proceed against a licentiate under either Section 820, or 822, or under both sections.

### **FACTUAL ALLEGATIONS**

9. Respondent is an eighty-nine-year-old internal medicine physician.

10. On or about July 12, 2021, the Board's Central Complaint Unit (CCU) received an online complaint regarding Respondent's expired Fictitious Name Permit and billing practices.

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11. On or about March 9, 2022, the Board began its investigation into Respondent and the online complaint.

12. On or about June 1, 2022, Respondent's attorney made contact with a Board representative regarding the Board's investigation. Respondent's attorney indicated that he was aware of concerns regarding Respondent and that Respondent's memory is fading.

13. On or about June 24, 2022, the Board requested that Respondent submit to a voluntary mental and physical evaluation to determine if she could safely practice medicine.

14. On or about July 18, 2022, Respondent agreed to the Board's request that she submit to a mental and physical evaluation.

15. Following her mental evaluation, performed on August 16, 2022, it was determined that Respondent meets the DSM-5-TR<sup>1</sup> criteria for Major Neurocognitive Disorder, which impacts her ability to safely engage in the practice of medicine. The psychiatrist who performed the mental evaluation found that Respondent's cognitive decline is of sufficient severity and has interfered with her independence, insight, and language skills.

16. The psychiatrist stated that the etiology of Respondent's disorder is unknown. As such, the psychiatrist recommended that Respondent undergo a full medical work-up and magnetic resonance imaging (MRI) of the brain. The psychiatrist also recommended that Respondent be evaluated by a neurologist.

17. Following her physical evaluation, performed on July 27, 2022, Respondent was found to suffer from the following: Hypertension, moderately severe, untreated; Diabetes mellitus, untreated; Weight loss, multifactorial; Mild hearing loss; Social isolation; Height loss, kyphosis,<sup>2</sup> high risk for falls and fractures; and Advanced age.

18. The physician who performed the physical evaluation stated that Respondent needed to immediately address her own medical needs before she could safely practice medicine. The physician recommended that Respondent not drive or perform any hazardous activities alone.

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<sup>1</sup> DSM-5-TR is the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, Text Revision, is the taxonomic and diagnostic tool published by the American Psychiatric Association (APA). The DSM serves as the principal authority for psychiatric diagnoses.

<sup>2</sup> Kyphosis is an exaggerated, forward rounding of the upper back. In older individuals, kyphosis is often due to weakness in the spinal bones that causes them to compress or crack.

1 The physician also recommended that Respondent immediately restart the medications for her  
2 blood pressure, and the physician prescribed medication to address Respondent's diabetes  
3 diagnosis.

4 **CAUSE FOR DISCIPLINE**

5 **(Inability to Practice Medicine Safely)**

6 19. Respondent Sally Sun, M.D. is subject to disciplinary action under section 822 of the  
7 Code in that Respondent cannot safely practice medicine at this time. The circumstances are as  
8 follows:

9 20. Complainant refers to and, by this reference, incorporates paragraphs 9 through 18,  
10 above, as though set forth fully herein.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
13 and that following the hearing, the Medical Board of California issue a decision:

14 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 31180,  
15 issued to Sally Sun, M.D.;

16 2. Revoking, suspending or denying approval of Sally Sun, M.D.'s authority to supervise  
17 physician assistants and advanced practice nurses;

18 3. Ordering Sally Sun, M.D., if placed on probation, to pay the costs of probation  
19 monitoring; and

20 4. Taking such other and further action as deemed necessary and proper.

21  
22 DATED: FEB 24 2023

  
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REJI VARGHESE  
Interim Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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